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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,656	02/20/2004	Yoon-tak Yang	1793.1187	3475

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,656

Applicant(s)

YANG ET AL.

Examiner

William J. Klimowicz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Specie I (corresponding to Figures 2-5) in the reply filed on August 2, 2006 and the supplemental reply filed on September 27, 2006, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

In the Reply filed on September 27, 2006, the Applicant states:

In response to the Office Action mailed September 21, 2006 having a response due date of October 21, 2006, Applicants confirm their election of Species I, which is directed to claims 1-13, with traverse.

As such, the Examiner, based upon the Applicant's contention that claims 1-13 read on the elected embodiment, has withdrawn pending claims 14-23 from consideration.

That is, claims 14-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 27, 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 10, based upon the Applicant's election of Species I, the phrase "the tracking coils and the focusing coil are positioned on the bobbin so that effective coil portions of the focusing coil are positioned closer to the unipolar magnets than the effective coil portions of the tracking coils" is misdescriptive to the elected embodiment. More concretely, the Applicant maintains that claim 10 reads on the elected embodiment. See Applicant's Response filed on September 27, 2006. The elected embodiment, Species I, corresponding to Figures 2-5, however, discloses wherein the tracking coils (35) and the focusing coil (33) are positioned on the bobbin (20) so that effective coil portions of the tracking coils (35) are closer to the unipolar magnets (31) than effective coil portions of the focusing coil (33) (as claimed in dependent claim 9).

Thus, the metes and bounds of claim 10 cannot be readily ascertained based on the elected embodiment, as it pertains to claim 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsui (US 2003/0072244 A1).

As per claim 1, Matsui (US 2003/0072244 A1) discloses an optical pickup actuator (e.g., see FIG. 1) for use with an objective lens (21) on a base (3), comprising: a bobbin (2) holding the objective lens (21); a suspension (W) having one end fixed on a side of the bobbin (2) and another end fixed to a holder (3b) positioned on a portion of the base (3) to allow the bobbin (2) to be movable with respect to the base (3); and a magnetic circuit, comprising: a pair of unipolar magnets (35) (e.g., see, *inter alia*, paragraphs [0038], [0039], [0042] based on Fleming's left-hand rule, and movement of the bobbin and coil positioning of the bobbin, the magnetic flux for each magnet is directed in a single direction) positioned on the base (3) to face opposing sides of the bobbin (2), a focusing coil (C1) wound around the bobbin (2), a pair of tracking coils (C2) wound opposite one another and next to the objective lens (21) in a radial direction to cross over the focusing coil (C1) (e.g., see paragraph [0039], lines 1-4) and the bobbin (2) to interact with the unipolar magnets (35) to generate an electromagnetic force to control a tracking movement, and a plurality of tilting coils (C3) positioned in an "upper" portion of the bobbin (2) and/or in a "lower" portion of the bobbin (2) and which interact with the unipolar magnets (35) to generate an electromagnetic force to control a tilting movement (see θ in FIG. 1) when a central axis of the objective lens is disposed in an upward direction and a downward direction, the upward direction closer to an optical recording medium (100).

As per claim 9, wherein the tracking coils (C2) and the focusing coil (C1) are positioned on the bobbin (2) so that effective coil portions of the tracking coils (C2) are closer to the unipolar magnets (35) than effective coil portions of the focusing coil (C1).

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As per claim 11, further comprising a cavity (22a) formed in the bobbin (2) to reduce (inherently, because the hole (22a) creates a larger exterior surface area of bobbin, which can radiate more infrared radiation) transmission of heat generated from the focusing coil (C1), the tracking coils (C2), and/or the tilting coils (C3) to the objective lens (21).

As per claim 12, wherein the magnetic circuit includes only a single pair (35, 35) of unipolar magnets.

As per claim 13, wherein the actuator is a two-sided (vertical surface side and bottom side coil mounting), three axis driving actuator - see FIG. 1.

Allowable Subject Matter

Claim 2-8 are currently objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

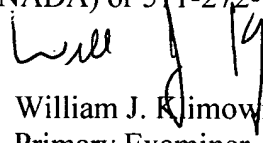
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
Art Unit 2627

WJK